

1 Christopher E. Angelo [70007]  
2 Joseph Di Monda [184640]  
3 ANGELO & DI MONDA, LLP  
4 1721 N. Sepulveda Blvd.  
5 Manhattan Beach, California 90266-5014  
6 Telephone: 310-939-0099  
7 Fax: 310-939-0023

5 | Attorneys for Defendants, Bun Bun Tran and Le Thi Nguyen

## **LIST OF EXHIBITS FOR MOTION TO SET ASIDE DEFAULT**

1. Relevant pages of the October 3, 2007 Deposition Transcript of Leonel Arrellano.  
pp. 001-005.
  2. Chili's Restaurant's Requests For Admission (Set Two) Propounded upon Leonel Arrellano.  
pp. 006-012.
  3. Leonel Arrellano's Responses to Chili's Restaurant's Requests for Admissions (Set Two).  
pp. 013-019.

April 10, 2008

ANGELO & DI MONDA, LLP

S/Signature

Joseph Di Monda  
Attorneys for Defendant Bun Tran

**EXHIBIT 1**

**000001**

1

2 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
3 IN AND FOR THE COUNTY OF SAN DIEGO  
4 CENTRAL DIVISION - HALL OF JUSTICE

5  
6 BUN BUN TRAN, an individual,  
7 by and through his Guardian  
8 ad Litem, Le Thi Nguyen,  
9 Plaintiff,

10 -vs- CASE NUMBER 37200700065432  
11 LEONEL ARELLANO, et al., CU-PA-CTL  
12 Defendants.

COPY

13  
14 VOLUME I  
15 DEPOSITION OF LEONEL ARELLANO

16  
17 DATE: October 3, 2007  
18 TIME: 9:45 a.m.  
19 LOCATION: Sierra Conservation Center  
20 5100 O'Byrnes Ferry Road  
Jamestown, California

21  
22 REPORTED BY: Carol Lehman  
23 Certified Shorthand Reporter  
24 License Number 3500

25  
**Renee Brush**  
**RB & Associates**  
certified shorthand reporters

RENEE BRUSH & ASSOCIATES 209.544.1551  
P.O. Box 3243, Modesto, CA 95353  
(1230 13th Street, Suite C)

002

Page 1

209.544.1551

fax 209.544.1643

[www.reneebrush.com](http://www.reneebrush.com)

1 restaurants?

2 MR. McLAUGHLIN: It has nothing to do with  
3 this deposition. I am not under oath, we are not  
4 going to have that discussion. And of course  
5 questions that have to do with any statements that he  
6 has made regarding the circumstances surrounding the  
7 accident itself, of course would be relevant.

8 Q. (BY MR. ANGELO): Do you know as you sit  
9 here today whether the law firm that's representing  
10 you also represents on other cases the insurance  
11 companies that insure Chili's restaurant?

12 MR. McLAUGHLIN: Objection, don't answer the  
13 question.

14 MR. ANGELO: We got an answer, what was the  
15 answer?

16 MR. McLAUGHLIN: Counsel, I am instructing  
17 my client not to answer that question for the same  
18 reasons stated earlier, and if you persist in using  
19 the deposition and wasting all of the our people's  
20 time here with that line of inquiry, I'm going to  
21 instruct him not to answer any further questions that  
22 you ask him for any -- why don't we get back to the  
23 circumstances surrounding the accident and issues that  
24 are involved in this case.

25 MS. CRENSHAW: I'll join.

1 MR. ANGELO: The answer that he gave to my  
2 question was "si", am I right?

3 THE INTERPRETER: Yes.

4 MR. ANGELO: So his answer was "yes" to my  
5 question?

6 THE INTERPRETER: Yes.

7 MR. ANGELO: Will you please indicate then  
8 on the record that his answer was "yes" to my  
9 question?

10 MR. McLAUGHLIN: She is going to take down  
11 necessarily what you're saying on the record or it's  
12 all --

13 MR. ANGELO: I just want the one and only  
14 word answer was what to my question?

15 THE INTERPRETER: Was "yes."

16 MR. McLAUGHLIN: The record should reflect  
17 that the answer was given spontaneously before I had  
18 the chance to interject my objection and my  
19 instruction not to answer.

20 Q. (BY MR. ANGELO): Are you married?

21 A. No.

22 Q. Have you ever been married?

23 A. No.

24 MR. ANGELO: No further questions. Thank  
25 you very much.

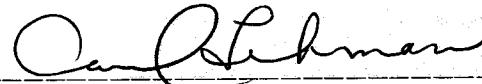
1 STATE OF CALIFORNIA )  
2 ss. )  
3 COUNTY OF TUOLUMNE )  
4  
5

6 I, CAROL LEHMAN, a Certified Shorthand Reporter in and  
7 for the State of California, hereby certify that the  
8 witness in the foregoing deposition,  
9

10 LEONEL ARELLANO,

11  
12 was by me duly sworn to tell the truth, the whole  
13 truth and nothing but the truth in the within-entitled  
14 cause, and that the foregoing is a full, true and  
15 correct transcript of the proceedings had at the  
16 taking of said deposition, reported to the best of my  
17 ability and transcribed under my direction.  
18  
19  
20

21 Date: October 15, 2007



22 CSR Number 3500  
23  
24  
25

128

**EXHIBIT 2**

**006**

1 Kimberly S. Oberrech [C.S.B. No. 190794]  
 2 Emily D. Wallace [C.S.B. No. 234427]  
 3 Erin E. Schroeder [C.S.B. No. 247064]

**HORTON, OBERRECHT, KIRKPATRICK & MARTHA**

225 Broadway, Suite 2200  
 San Diego, California 92101  
 (619) 232-1183; Fax (619) 696-5719

5 Attorneys for Defendant BRINKER RESTAURANT CORPORATION, a Delaware Corporation  
 6 dba CHILI'S GRILL & BAR (erroneously sued herein as BRINKER INTERNATIONAL, INC.  
 7 dba CHILI'S RESTAURANT INC., a Delaware corporation)

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF SAN DIEGO**

10 BUN BUN TRAN, an individual, by and through )	<b>CASE NO.</b>
his Guardian ad Litem, Le Thi Nguyen, )	37-2007-00065432-CU-PA-CTL
11 Plaintiff, )	<b>REQUESTS FOR ADMISSIONS</b>
12 vs. )	<b>(SET TWO)</b>
13 LEONEL ARRELLANO, an individual; BRINKER )	
14 INTERNATIONAL, INC. dba CHILI'S )	
15 RESTAURANT INC., a Delaware corporation; )	
16 PATRICIA L. COLE, an individual; CITY OF )	
SAN DIEGO, a governmental entity; and DOES 1 )	
through 50, inclusive, )	
17 Defendants. )	
18 AND ALL RELATED MATTERS. )	

19  
 20 PROPOUNDING PARTY : Defendant, BRINKER RESTAURANT CORPORATION, a  
 21 Delaware Corporation dba CHILI'S GRILL & BAR

22 RESPONDING PARTY : Defendant, LEONEL ARRELLANO

23 SET NUMBER : TWO (2)

24                   Defendant, BRINKER RESTAURANT CORPORATION, a Delaware Corporation dba  
 25 CHILI'S GRILL & BAR requests that Co-Defendant, LEONEL ARRELLANO, admit within thirty  
 26 days after service of this Request for Admissions that each of the following facts is true:

27     ///

28     ///

---

**REQUESTS FOR ADMISSIONS (SET TWO)**

## **DEFINITIONS**

1. CHILI'S GRILL & BAR refers to the Chili's restaurant located at 4252 Camino Del Rio North, San Diego, California 92108.

## **REQUESTS FOR ADMISSIONS**

## **REQUEST FOR ADMISSIONS 8:**

Admit that you have never been involved in a joint venture with CHILI'S GRILL & BAR to recruit illegal aliens to work in their restaurants.

## **REQUEST FOR ADMISSIONS 9**

Admit that you have never been involved in a joint venture with CHILI'S GRILL & BAR to develop illegal aliens to work in their restaurants.

**REQUEST FOR ADMISSIONS 10:**

Admit that on November 17, 2006, you were not driving a vehicle to develop illegal aliens to work at Chili's Restaurants.

## **REQUEST FOR ADMISSIONS 11:**

Admit that on November 18, 2006, you were not driving a vehicle to develop illegal aliens to work at Chili's Restaurants.

## **REQUEST FOR ADMISSIONS 12:**

Admit that on November 17, 2006, you were not driving a vehicle to recruit illegal aliens to work at Chili's Restaurants.

## **REQUEST FOR ADMISSIONS 13:**

Admit that on November 18, 2006, you were not driving a vehicle to recruit illegal aliens to work at Chili's Restaurants.

## **REQUEST FOR ADMISSIONS 14:**

Admit that on November 17, 2006, you were not driving a vehicle in connection with a joint venture between you and CHILI'S GRILL & BAR to recruit illegal aliens to work in their restaurants.

## **REQUEST FOR ADMISSIONS 15:**

**Admit that on November 18, 2006, you were not driving a vehicle in connection with a joint**

## **REQUESTS FOR ADMISSIONS (SET TWO)**

1 venture between you and CHILI'S GRILL & BAR to recruit illegal aliens to work in their  
 2 restaurants.

3 **REQUEST FOR ADMISSIONS 16:**

4 Admit that you have never driven a vehicle in connection with a joint venture between you  
 5 and CHILI'S GRILL & BAR to recruit illegal aliens to work in their restaurants.

6 **REQUEST FOR ADMISSIONS 17:**

7 Admit that your supervisors at CHILI'S GRILL & BAR never permitted you to consume  
 8 alcohol at CHILI'S GRILL & BAR while working.

9 **REQUEST FOR ADMISSIONS 18:**

10 Admit that your supervisors at CHILI'S GRILL & BAR never permitted you to consume  
 11 alcohol in the parking lot of CHILI'S GRILL & BAR.

12 **REQUEST FOR ADMISSIONS 19:**

13 Admit that as a cook for CHILI'S GRILL & BAR your duties did not include the recruitment  
 14 of employees.

15 **REQUEST FOR ADMISSIONS 20:**

16 Admit that at the time of the accident which is the subject of this litigation, you were not  
 17 acting as an employee for CHILI'S GRILL & BAR.

19 Dated: March 21, 2008

**HORTON, OBERRECHT, KIRKPATRICK & MARTHA**



20  
 21  
 22 Kimberly S. Oberrecht,  
 23 Emily D. Wallace,  
 24 Erin E. Schroeder,  
 25 Attorneys for Defendant BRINKER RESTAURANT  
 26 CORPORATION, a Delaware Corporation dba CHILI'S GRILL &  
 27 BAR (erroneously sued herein as BRINKER INTERNATIONAL,  
 28 INC. dba CHILI'S RESTAURANT INC., a Delaware corporation)

---

**REQUESTS FOR ADMISSIONS (SET TWO)**

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

2 Title of Case: ) CASE NO:  
3 BUN BUN TRAN, AN INDIVIDUAL, BY AND ) 37-2007-00065432-CU-PA-CTL  
4 THROUGH HIS GUARDIAN AD LITEM, LE )  
5 THI NGUYEN v. LEONEL ARRELLANO, ET )  
6 AL. )  
7 )  
8 **HORTON, OBERRECHT, KIRKPATRICK** )  
9 **& MARTHA** )  
10 225 Broadway, Suite 2200 )  
11 San Diego, CA 92101 )  
12 (619) 232-1183; Fax 696-5719 )  
13 )  
14 Attorneys for Defendant/Cross-Complainant )  
15 BRINKER RESTAURANT CORPORATION, a )  
16 Delaware Corporation dba CHILI'S GRILL & )  
17 BAR (erroneously sued herein as BRINKER )  
18 INTERNATIONAL, INC. dba CHILI'S )  
19 RESTAURANT INC., a Delaware corporation) )

---

20 **DECLARATION OF SERVICE VIA FACSIMILE & U.S. MAIL**

21 I am employed in the County of San Diego, State of California. I am readily familiar with  
22 the business practices of this office for collection and processing of correspondence for mailing with  
23 the United States Postal Service. I am over the age of eighteen years and am not a party to the within  
24 entitled action; my business address is 225 Broadway, Suite 2200, San Diego, California 92101.

25 On **March 21, 2008**, served the following documents **VIA FACSIMILE & U.S. MAIL:**

26 **REQUESTS FOR ADMISSIONS (SET TWO); PROPOUNDED TO LEONEL ARRELLANO**

27 by placing a copy thereof in a separate envelope for each addressee named hereafter for collection  
28 and mailing on the above-indicated day pursuant to the ordinary course of business practice of this  
1 office which is that correspondence for mailing is collected and deposited with the United States  
2 Postal Service on the same day in the ordinary course of business addressed to each such addressee  
3 respectively as follows:

4 James O. McLaughlin, Esq.  
5 WINET, PATRICK & WEAVER  
6 401 West A Street, Suite 1400  
7 San Diego, CA 92101  
8 (619) 702-3902; (619) 702-5432 Fax  
9 Attorney for LEONEL ARRELLANO

10 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
11 and correct. Executed on **March 21, 2008**.

12 Tara L. Frank

13 010

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

2 Title of Case: ) CASE NO:  
3 BUN BUN TRAN, AN INDIVIDUAL, BY AND ) 37-2007-00065432-CU-PA-CTL  
4 THROUGH HIS GUARDIAN AD LITEM, LE )  
5 THI NGUYEN v. LEONEL ARRELLANO, ET )  
6 AL. )  
7 **HORTON, OBERRECHT, KIRKPATRICK** )  
8 **& MARTHA** )  
9 225 Broadway, Suite 2200 )  
10 San Diego, CA 92101 )  
11 (619) 232-1183; Fax 696-5719 )  
12 Attorneys for Defendant/Cross-Complainant )  
13 BRINKER RESTAURANT CORPORATION, a )  
14 Delaware Corporation dba CHILI'S GRILL & )  
15 BAR (erroneously sued herein as BRINKER )  
16 INTERNATIONAL, INC. dba CHILI'S )  
17 RESTAURANT INC., a Delaware corporation) )

---

12 **DECLARATION OF SERVICE**

13 I am employed in the County of San Diego, State of California. I am readily familiar with  
14 the business practices of this office for collection and processing of correspondence for mailing with  
15 the United States Postal Service. I am over the age of eighteen years and am not a party to the within  
16 entitled action; my business address is 225 Broadway, Suite 2200, San Diego, California 92101.

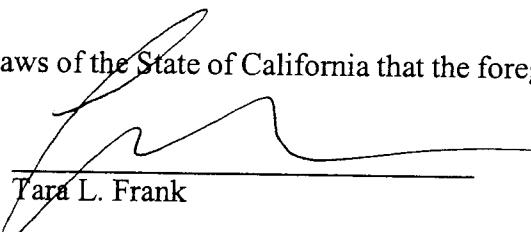
17 On **March 21, 2008**, served the following documents:

18 **REQUESTS FOR ADMISSIONS (SET TWO); PROPOUNDED TO LEONEL ARRELLANO**

19 by placing a copy thereof in a separate envelope for each addressee named hereafter for collection  
20 and mailing on the above-indicated day pursuant to the ordinary course of business practice of this  
21 office which is that correspondence for mailing is collected and deposited with the United States  
22 Postal Service on the same day in the ordinary course of business addressed to each such addressee  
23 respectively as follows:

24 ***SEE LIST OF COUNSEL ON FOLLOWING PAGE***

25 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
26 and correct. Executed on **March 21, 2008**.

27   
28 Tara L. Frank

OII

1 Christopher E. Angelo, Esq.  
2 Joseph Di Monda, Esq.  
ANGELO & DI MONDA, LLP  
3 1721 N. Sepulveda Blvd.  
Manhattan Beach, CA 90266-5014  
4 (310) 939-0099; (310) 939-0023 Fax  
*Attorneys for Plaintiff BUN BUN TRAN*

5  
6 Andrew Jones, Esq.  
Deputy City Attorney  
Office of the City Attorney  
1200 Third Avenue, Suite 1100  
San Diego, CA 92101  
(619) 533-5800; (619) 533-5856 Fax  
*Attorneys for CITY OF SAN DIEGO*

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8 Kevin D. Smith, Esq.  
WOOD, SMITH, HENNING & BERMAN,  
LLP  
505 North Brand Boulevard, Suite 1100  
Glendale, CA 91203  
(818) 551-6000; (818) 551-6050 Fax  
*Co-Counsel for Defendant CITY OF SAN  
DIEGO*

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11 Eugene F. West  
WEST & MIYAMOTO  
5151 Verdugo Way, Suite 203  
Camarillo, CA 93012  
(805) 388-5887; (805) 384-1518  
[efwest@msn.com](mailto:efwest@msn.com)  
*Attorneys for PATRICIA COLE*

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012

**EXHIBIT 3**

1 JAMES O. MC LAUGHLIN, STATE BAR NO. 97725  
2 WINET, PATRICK & WEAVER  
3 401 WEST A STREET, SUITE 1400  
4 SAN DIEGO, CALIFORNIA 92101  
5 TELEPHONE: (619) 702-3902  
6  
7

8 Attorneys for Defendant, Leonel Arrellano

9

10

11

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF SAN DIEGO, CENTRAL DIVISION

14

15 BUN BUN TRAN, an individual, by and  
16 through his Guardian ad Litem, Le Thi Nguyen,

17 Plaintiff,

18 vs.

19

20 LEONEL ARRELLANO, an individual;  
21 BRINKER INTERNATIONAL, INC., dba  
22 CHILI'S RESTAURANT, INC., a Delaware  
corporation; PATRICIA L. COLE, an  
individual, CITY OF SAN DIEGO, a  
governmental entity; and DOES 1 through 50,  
inclusive,

23 Defendants.

24

CASE NO. 37-2007-00065432-CU-PA-CTL  
(Unlimited Civil)  
ACTION DATE: 04/24/07

I/C JUDGE: Hon. Ronald L. Styn  
Dept. C-82

RESPONSE TO REQUEST FOR  
ADMISSIONS (SET TWO)

25

REQUESTING PARTY: PLAINTIFF, DEFENDANT BRINKER RESTAURANT  
CORPORATION, a Delaware Corporation dba CHILI'S  
GRILL & BAR

26

RESPONDING PARTY: DEFENDANT, LEONEL ARRELLANO

27

SET NO.: TWO

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TO: DEFENDANTS AND TO THEIR ATTORNEYS OF RECORD:

These responses are made solely for the purpose of and in relation to this action. Each

answer is given subject to all appropriate objections (including but not limited to objections

covering competency, relevancy, materiality, propriety and admissibility) which would require the

1 exclusion of any statement contained herein if it was made by a witness present and testifying in  
2 court. All such objections and grounds therefore are reserved and may be interpreted at the time of  
3 trial.

4 The party on whose behalf the answers and responses are given has not yet completed its  
5 investigation of the facts relating to this action, has not completed its discovery in this action, and  
6 has not yet completed its preparation for trial. Consequently, the following answers are given  
7 without prejudice to the answering party's right to produce at the time of trial subsequently  
8 discovered evidence, relating to the proof of facts subsequently discovered to be material.

9 **RESPONSES TO ADMISSIONS**

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

11 Admit.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

13 Admit.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

15 Admit.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

17 Admit.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

19 Admit.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

21 Admit.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

23 Admit.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

25 Admit.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

27 Admit.

28 015

1     RESPONSE TO REQUEST FOR ADMISSION NO. 17:

2              Admit.

3     RESPONSE TO REQUEST FOR ADMISSION NO. 18:

4              Admit.

5     RESPONSE TO REQUEST FOR ADMISSION NO. 19:

6              Admit.

7     RESPONSE TO REQUEST FOR ADMISSION NO. 20:

8              Admit.

9

10   Dated: April 2, 2008

WINET, PATRICK & WEAVER

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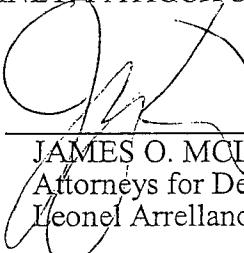
25

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27

28

By:

  
JAMES O. MC LAUGHLIN  
Attorneys for Defendant,  
Leonel Arrellano

Apr 03 2008 1:32PM Winer Patrick &amp; Weaver 6197025432

p. 2

Tran v. Arrellano (P21084)  
San Diego Superior Court, Central Judicial District, Case No.37-2007-00065432 CU-PA-CTL

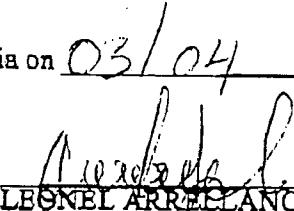
1 **VERIFICATION**  
2  
3  
4

I, Leonel Arrellano, have read the foregoing RESPONSES TO REQUESTS FOR  
ADMISSIONS (SET TWO) and know its contents.

I am a party to this action. The matters stated in it are true of my own knowledge, except  
as to those matters which are stated on information and belief, and as to those matters I believe  
them to be true.

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

10 Executed at Sierra Conservation, California on 03/04 2008.  
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LEONEL ARRELLANO

101

Name of Case: *Tran v. Arrellano (P21084)*  
Superior Court Case No. 37-2007-00065432-CU-PA-CTL / Department 82

## PROOF OF SERVICE

I, Jackie Forjais, declare as follows:

I am over the age of eighteen years and not a party to the case. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 401 West A Street, Suite 1400, San Diego, California 92101.

On April 3, 2008, I served the foregoing document(s) described as:

**1) RESPONSE TO REQUEST FOR ADMISSIONS (SET TWO) and  
VERIFICATION**

On the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

**PLEASE SEE ATTACHED SERVICE LIST**

- (XX) BY MAIL. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing with the United States Postal Service, and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business pursuant to Code of Civil Procedure §1013a.

( ) BY FAX. In addition to service by mail as set forth above, a copy of said document(s) were also delivered by facsimile transmission to the addressee pursuant to Code of Civil Procedure §1013(e).

( ) BY PERSONAL SERVICE. I hand-delivered said document(s) to the addressee pursuant to Code of Civil Procedure §1011.

( ) BY EXPRESS MAIL. I caused said document(s) to be deposited in a box or other facility regularly maintained by the express service carrier providing overnight delivery pursuant to Code of Civil Procedure §1013(c)

Executed April 3, 2008, at San Diego, California.

I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

Jackie Forjais

Name of Case: *Tran v. Arrellano (P21084)*  
Superior Court Case No. 37-2007-00065432-CU-PA-CTL / Department 82

1  
2       **SERVICE LIST:**

3       Chris Angelo  
4       Angelo & Di Monda  
5       1721 N. Sepulveda Boulevard  
6       Manhattan Beach CA 90266-5014  
7       Telephone (310) 939-0099  
8       Facsimile (310) 939-0023  
9       *Attorneys for Plaintiff*

10      Andrew Jones  
11      Deputy City Attorney  
12      Office of the City Attorney  
13      1200 Third Avenue, Suite 1100  
14      San Diego CA 92101-4100  
15      Telephone (619) 533-5800  
16      Facsimile (619) 533-5856  
17      *Attorneys for City of San Diego*

18      Kimberly S. Oberrecht  
19      Horton, Oberrecht, Kirkpatrick & Martha  
20      225 Broadway Ste 2200  
21      San Diego, CA 92101  
22      Telephone: (619) 232-1183  
23      Facsimile (619) 696-5719  
24      *Attorneys for Chili's Grill & Bar*

## PROOF OF SERVICE

**STATE OF CALIFORNIA**

## COUNTY OF LOS ANGELES

I am a resident of the aforesaid county. I am over the age of eighteen years and not a party to the within action; my address is 1721 N. Sepulveda Blvd., Manhattan Beach, California 90266.

On April 10, 2008, I served the foregoing document(s) described as **BUN TRAN'S EXHIBITS TO MOTION TO SET ASIDE DEFAULT OF LEONEL ARRELLANO** on the interested parties in this action, by placing the original/true copies thereof enclosed in a sealed envelope addressed as follows:

**SEE ATTACHED SERVICE LIST**

- I caused such envelope/package containing the document(s) to be delivered by hand to the offices of the addressee(s).

X The envelope was mailed with postage thereon fully prepaid. I am "readily" familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

I deposited the above document(s) for facsimile transmission in accordance with the office practice of Angelo & Di Monda for collecting and processing facsimiles. I am familiar with the office practice of Angelo & Di Monda for collecting, processing, and transmitting facsimiles. The facsimile of the above document(s) was transmitted to the interested parties on the attached service list:

Executed on April 10, 2008, at Manhattan Beach, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

S/Signature  
Joseph Di Monda

1                   Service List  
2  
3 James R. Robie  
4 ROBIE & MATTHAI  
5 500 South Grand Avenue  
6 15<sup>th</sup> Floor  
7 Los Angeles, CA 90071  
8  
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